

**FORMS TO BE COMPLETED BY PRISONERS FILING A CIVIL RIGHTS
COMPLAINT UNDER 42 U.S.C. § 1983 or 28 U.S.C. § 1331**

COVER SHEET

THIS COVER SHEET CONTAINS IMPORTANT INFORMATION ABOUT FILING A COMPLAINT AND YOUR OBLIGATIONS IF YOU DO FILE A COMPLAINT. READ AND COMPLETE THE COVER SHEET BEFORE YOU PROCEED FURTHER.

The cost for filing a civil rights complaint is \$350.00.

If you do not have sufficient funds to pay the full filing fee of \$350.00 you need permission to proceed in forma pauperis. However, the court will assess and, when funds exist, immediately collect an initial partial filing fee of 20 percent of the greater of:

- 1) the average monthly deposits to your prison account for the past six months; or
- 2) the average monthly balance in your prison account for the past six months.

Thereafter, the institution in which you are incarcerated will be required to make monthly payments of 20% of the preceding month's deposits credited to your account until the entire filing fee is paid.

CAUTION: YOUR OBLIGATION TO PAY THE FULL FILING FEE WILL CONTINUE REGARDLESS OF THE OUTCOME OF YOUR CASE, EVEN IF YOUR COMPLAINT IS DISMISSED BEFORE THE DEFENDANTS ARE SERVED.

1. You shall file a complaint by completing and signing the attached complaint form and mailing it to the Clerk of Court along with the full filing fee of \$350.00. (In the event attachments are needed to complete the allegations in the complaint, no more than three (3) pages of attachments will be allowed.) If you submit the full filing fee along with the complaint, you DO NOT have to complete the rest of the forms in this packet. **Check here if you are submitting the filing fee with the complaint form.** ____

2. If you cannot afford to pay the fee, you may file a complaint under 28 U.S.C. § 1915 without paying the full filing fee at this time by completing the following: (1) Complaint Form; (2) Application To Proceed In Forma Pauperis; and (3) Authorization Form. You must properly complete, sign and submit all three standard forms or your complaint may be returned to you by the Clerk of Court. **Check here if you are filing your complaint under 28 U.S.C. § 1915 without full prepayment of fees.** ☒

Please Note: If your case is allowed to proceed and you are awarded compensatory damages against a correctional facility or an official or agent of a correctional facility, the damage award will first be used to satisfy any outstanding restitution orders pending. Before payment of any compensatory damages, reasonable attempts will be made to notify the victims of the crime for which you were convicted concerning payment of such damages. The restitution orders must be fully paid before any part of the award goes to you.

DO NOT DETACH THE COVER SHEET FROM THE REST OF THE FORMS

FORM TO BE USED BY A PRISONER IN FILING A CIVIL RIGHTS COMPLAINT

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

(1) Yusuf D. Bush # 10320-007
(Name of Plaintiff) (Inmate Number)

US Lewisburg, PO Box 1000, Lewisburg PA. 17837
(Address)

(2) _____
(Name of Plaintiff) (Inmate Number)

(Case Number)

(Address)

(Each named party must be numbered,
and all names must be printed or typed)

vs.

CIVIL COMPLAINT

(1) Case Manager Shade, (2) Mail room John Doe

(3) Counselor Griffin, (4) Captain Hunkler, (5) Regional Director-

(6) John Doe, (7) Officer Beaver, (8) Unit Manager Berkstein

(Names of Defendants) Trust fund John Doe (9)

(10) David J. Ebert, Officer Wolfgang (11)

(Each named party must be numbered,
and all names must be printed or typed)

TO BE FILED UNDER: _____ 42 U.S.C. § 1983 - STATE OFFICIALS

☒ 28 U.S.C. § 1331 - FEDERAL OFFICIALS

I. PREVIOUS LAWSUITS

- A. If you have filed any other lawsuits in federal court while a prisoner, please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

Yusuf Bush v. JJ Watson et al 1:18-CV-00595-MAC-KFG Marcia A Crone

Bush v. Clerk of the Court et al 1:19-CV-02186-UNA unsigned

The first suit is awaiting reopening due to staff with holding orders
causing dismissal another has been filed as a result awaiting service action

II. EXHAUSTION OF ADMINISTRATIVE REMEDIES

In order to proceed in federal court, you must fully exhaust any available administrative remedies as to each ground on which you request action.

A. Is there a prisoner grievance procedure available at your present institution? ☒ Yes ☐ No

B. Have you fully exhausted your available administrative remedies regarding each of your present claims? ☒ Yes ☒ No

C. If your answer to "B" is Yes:

1. What steps did you take? filed all 6 to D.C. awaiting final response continue to having mail issues have not recieved acknowledgement. This is my main issue.

2. What was the result? unable to compensate for violations

My other forms have been intentionally withheld denying me the ability to comply with the PLRA.

D. If your answer to "B" is No, explain why not: My last filing has been held in

attempt to cause time to file to run out, and have not been around to resubmit it, rendering the process inadequate and ineffective to grieve by misconduct, by intentional sabotage

III. DEFENDANTS

(1) Name of first defendant: Case Manager Shale

Employed as a case manager at USP Lewisburg

Mailing address: PO Box 1000 USP Lewisburg Lewisburg PA 17837

(2) Name of second defendant: John Doe

Employed as Mail room staff at USP Lewisburg

Mailing address: PO Box 1000 USP Lewisburg, Lewisburg PA 17837

(3) Name of third defendant: Counselor Griffin

Employed as Counselor at USP Lewisburg

Mailing address: PO Box 1000 USP Lewisburg, Lewisburg PA 17837

(List any additional defendants, their employment, and addresses on extra sheets if necessary) continued

IV. STATEMENT OF CLAIM

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach no more than three extra sheets if necessary.)

1. I found out from inquiring to the court in Texas that a suit I had filed was dismissed because my mail was withheld by staff members. I filed to reopen the case and started being targeted in retaliation in attempt to

prevent me from filing my suit

2. It began when I noticed Case Manager shade had been holding my mail before turning it in for days. I asked to have certified mail tracked in which case manager shade, Counselor Griffin refused though I'd written mail room twice without response I filed grievance without any relief granted this was in May '19'
3. On May 23rd case manager shade delivered to my cell regular mail in the morning hours. He is only authorized to pass out legal mail, the regular mail is passed out in the afternoon by that shift. This was his way of showing me he could access my mail at anytime despite security measures in place to prevent abuse and cause problems for me
continued'

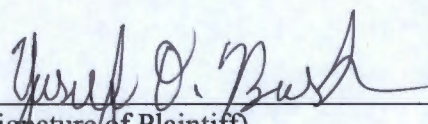
V. RELIEF

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

1. I seek damages for constitutional violations and retaliation from all named defendants in the amount of \$2,000,000 each in their official and personal capacity
2. I also ask for injunctive relief from any further or future harassment and retaliatory actions and suppressions of filing documents legal as well as administrative.
3. _____

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 16th day of August, 2019.



(Signature of Plaintiff)

Continuation Statement of claim

(P.1)

I am a pro se litigant filing collateral relief issues so I took this serious as it had already shown to be misconduct with last dismissal. Again on the 29th while passing out stickers to cells I asked had Unit manager talked to him (as I had just spoken with unit manager about my points being wrong and shad saying it wasn't time to fix unit manager said he was wrong had speak with him) shad said he didn't care and that I was snitching on him about everything loudly on the tier, and that I took his kindness for weakness and now he was going to make me feel it. I filed grievances without any results or investigation. I then started having numerous mail issues in which I filed grievances again no investigation. On 6-11-19 while they were making rounds I asked counselor Griffin for 2 grievance forms he then states who are you snitching on this week in an attempt to cause inmates to view me as a snitch and endanger my life and cause me to stop filing grievances. I continued to have mail issues though I'd sent it out certified. On 6-25-19 I gave Unit Manager Berkoski a money withdrawal slip and a injunction in a manilla envelope complete with certified mail attachments for return receipts. Two weeks passed without me receiving the receipt I filed a grievance Counselor Griffin bought me a transaction sheet showing mail was excuse me "Money" was extracted the next day on the 26th. The grievance response showed that no certified mail had gone out from 26th through the first of the following month. I spoke with the unit manager on or around the 28th of July in inquiry he said it wouldn't be their fault if the post office lost it. I then received a duplicitious envelope from the injunction I'd filed with the original envelope I'd sent inside with the return receipt still attached and unprocessed as well as the 20 stamps unused (no postmarks) this was inside another envelope but the original envelope was stamped by the court Jul 11th 2019, while the other was stamped Jul 22nd 2019; These 2 being inside the received envelope along with a notice that the check was rejected due to incorrect payment addressee being the District Court.

Though I had just made court fee withdrawals the

Continuation; Statement of claim

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Week before this one successfully. I filed to the region and since have not recieved notice of receipt or notice to extend time to file in excess of 25 days without any receipt. On July 22nd after Counselor Griffin delivered me mail (legal mail) from the Lewisburg prison project. Officer Beaver comes on the tier and starts pulling for rec. I noticed he'd passed my pull and inquired he said I wasn't going because I wasn't ready when he came by. I tried to tell him he didn't give notice and I was putting my legal mail away having 2 bags of it, he didn't relent. I began banging on the door to get the #2's attention got dizzy and fell and cut my eye a little and it was swollen. I continued to try to get medical attention I spoke to Wolfgang shade as well as second shift without results. Another inmate had an issue later and medical came I spoke to Lt Shirk and medical Lopes who said he'd see me later but never came back. The next day I gave sick call slip to Ms shoe maker and never was seen. The same day being the 23rd while at rec Beaver targets me though someone was already in cuffing cage and takes me to 2nd floor telling me I was being moved to ask an inmate could I move with him he said no. There were other cells on tier I was at. The day after on the 24th they make me pack up saying If I refused I'd get a write up and tried to force me in with the guy who the day before said no he didn't want to take me in an attempt to create a fight. He again refused in which I was placed in the shower while they figured it out. While escorting me to the shower officer Beaver states he'd have me in restraints by the end of the week. I got a grievance form the next day rather when they next did rounds and turned it in when they (shade) next came by on the 29th of July on August 7th or 8th I inquired about the response he stated (case manager shade one of the grievances had no name on it so I wrote an outline of what my issue was (though he knew because I had him in it and he participated in the move that grieved day) and told him that if he bought it so I could ascertain if it was mine to write my name on it he never came back. The following

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Continuation; Statement of claim

week I spoke with the Unit manager about it he said hed talk (the 13th) to Griffin it should have been back. I had a legal call on the 14th Griffin was there I asked about it and to see it he said it was and bought it to me while in the cage awaiting the next phase of me legal call. He said he would be by to pick it up instead of letting me put my name on it then. In attempt to let time pass to file it. On the 16th during showers we saw Griffin make rounds on the first floor. While we were walking back from showers Griffin was heading up as well my cellmate who was directly behind Griffin asked would he be coming to the 2nd floor he said he would but never did. The policy allows only 20 calendar days to pass before filing a BP-9 but they have systematically allowed the time to file to pass by subterfuge as was done to cause my case dismissal; it wasn't due to my lack of due diligence but suppression of my rights to access the court as filing is first step to suit. They have continued to violate my rights 1st 8th 14th as well as retaliate for exercising my rights as well as been deliberately indifferent to my pleas for investigation by SIA both the captain and regional director. I have not even had any acknowledgement of final filing of grievances I believe they have also suppressed it. As due process has not been followed by design concerning my filings

Joseph O. Bush

Continuation of III. Defendants

- ④ Captain Konkle, at USP Lewisburg; PO Box 1000 USP Lewisburg
Lewisburg PA. 17837 (Captain)
- ⑤ Regional Director John Doe, Regional Director, U.S Customs house -
7th floor 2nd and Chestnut Street Philadelphia PA. 19106 (Region)
- ⑥ officer Beaver at USP Lewisburg, officer, PO Box 1000
USP Lewisburg 17837
- ⑦ Unit Manager Berkoski, Unit Manager, USP Lewisburg,
PO Box 1000 USP Lewisburg, Lewisburg PA. 17837
- ⑧ (Trust Fund) John Doe at Trust Fund, USP Lewisburg,
PO Box 1000 USP Lewisburg PA. 17837
- ⑨ officer Wolfgang, officer, USP Lewisburg, PO Box 1000
Lewisburg PA. 17837
- ⑩ David J. Ebbert Warden at USP Lewisburg
PO Box 1000 Lewisburg PA. 17837